

**U.S.DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MIGUEL ORTIZ,
Plaintiff

04 10 456 JLT

V.

CIVIL ACTION NO.

ERNEST MILLETTE and MAGIST
AMTRAK/ NATIONAL RAILROAD
PASSENGER CORPORATION,
Defendants

MAGISTRATE

JUDGE Collins

RECEIPT #

AMOUNT \$150

SUMMONS ISSUED N/A

LOCAL RULE 4.1

WAIVER FORM.

MCF ISSUED

BY DPTY. CLK.

DATE 3-5-00

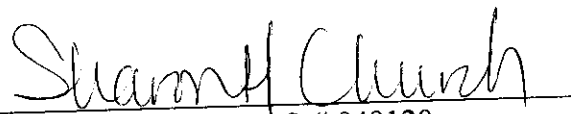
NOTICE OF REMOVAL

The defendants, Ernest Millette and Amtrak/ National Railroad Passenger Corporation, through their attorneys, the Law Offices of John J. Bonistalli, respectfully state upon information and belief:

1. On February 17, 2004, the defendant Amtrak received the Summons and Complaint in this action which is currently pending in Essex Superior Court. A copy of the Summons and Complaint is annexed hereto as Exhibit A. The Summons and Complaint constitute the prior pleadings to date.
2. On December 29, 2000, the plaintiff, Miguel Ortiz, allegedly sustained personal injuries when his vehicle collided with a vehicle owned by the defendant, Amtrak, and operated by the defendant, Ernest Millette.
3. The defendants are removing this action because the defendant, Amtrak, was created by an Act of Congress, 49 U.S.C. §24101, et seq., and more than one-half of its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §§1331 and 1349 and is one which may be removed to this Court by the defendant therein, pursuant to the provision of Title 28, U.S.C. §1441.

WHEREFORE, the defendants respectfully request that the action now pending against them in Essex Superior Court be removed therefrom to this Court.

Defendants, Ernest Millette and Amtrak/
National Railroad Passenger Corporation,
By their attorneys,

A handwritten signature in cursive script, appearing to read "Sharon H. Church", written over a horizontal line.

John J. Bonistalli; BBO # 049120
Sharon H. Church; BBO # 640878
LAW OFFICES OF JOHN J. BONISTALLI
One Financial Center
Boston, MA 02111
(617) 695-3755

Dated: March 4, 2004

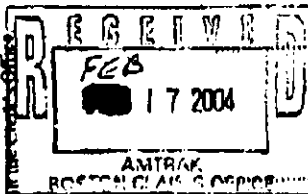
EXHIBIT A

(TO PLAINTIFF'S ATTORNEY: Please Circle type of Action involved: • TORT • MOTOR VEHICLE TORT
CONTRACT • EQUITABLE RELIEF • OTHER.)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. ES03CV2003-02444-D



Miguel Ortiz

Plaintiff(s)

Ernest Millette and Amtrak/
National Railroad Passenger Corp.

Defendant(s)

SUMMONS

To the above named Defendant: Amtrak/National Railroad Passenger Corp.

You are hereby summoned and required to serve upon James M. Tarshi
plaintiff's attorney, whose address is 510 Essex St., Lawrence, MA 01840, an answer to the

complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the
day of service. If you fail to do so, judgment by default will be taken against
complaint. You are also required to file your answer to the complaint in the
Salem either before service upon plaintiff's attorney.

Unless otherwise provided by Rule 13 (a), your answer must state as a
have against the plaintiff which arises out of the transaction or occurrence the
claim or you will thereafter be barred from making such claim in any other

WITNESS, SUZANNE V. DELVECCHIO
day of December, in the

A true copy Attest:
Deputy Sheriff Suffolk County

Thomas H. Wescott Jr.
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days of specified herein and also file the original with the court.

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - OK - MOTOR VEHICLE TORT -
CONTRACT - EQUITABLE RELIEF - OTHER.)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. ESCV2003-02444-1

Miguel Ortiz

RECEIVED
AMTRAK CLAIMS SERVICES

FEB 25 2004

Ernest Millette and Amtrak/
National Railroad Passenger Corp.

MARVIN D. SMITH
Defendant FOR LITIGATION

SUMMONS

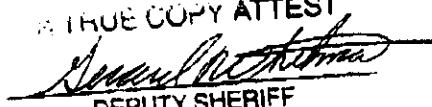
To the above named Defendant: Ernest Millette

You are hereby summoned and required to serve upon James M. Tarshis,
plaintiff's attorney, whose address is 510 Essex St., Lawrence, MA 01840, an answer to the
complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the
day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the
complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at
Salem either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

WITNESS, SUZANNE V. DeIVECCHIO, Esquire, at Salem, the 23rd
day of December, in the year of our Lord two thousand three.

A TRUE COPY ATTEST


DEPUTY SHERIFF
Middlesex County

2/17/2004
DATE OF SERVICE


Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

ESSEX, SS.

SUPERIOR COURT

No. /

MIGUEL ORTIZ,

Plaintiff

VS.

COMPLAINT AND JURY CLAIM

ERNEST MILLETTE and

AMTRAK/NATIONAL RAILROAD

PASSENGER CORP.,

Defendants

1. The Plaintiff is Miguel Ortiz of Lawrence, Essex County, Massachusetts.
2. The defendants are Ernest Millette, an individual, of 491 Pelham Road, Dracut, Middlesex County, Massachusetts and Amtrak/National Railroad Passenger Corp., having a usual place of business at 258 E. Scotland Drive, Bear, Delaware.
3. On or about December 29, 2000 the plaintiff, Miguel Ortiz, was the owner and operator of a motor vehicle traveling on a way on which the public has access, Lowell Street, Methuen, Essex County, Massachusetts.
4. As a result of the negligent operation of the motor vehicle operated by the defendant, Ernest Millette, and owned by the defendant, Amtrak/National Railroad Passenger Corp, said vehicle struck the vehicle operated by the plaintiff, Miguel Ortiz.
5. As a direct result of the defendant's negligence the plaintiff suffered damage to his property, great pain of mind and body, was forced to incur medical expenses in excess of Two Thousand (\$2,000.00) Dollars and was unable to carry out his usual duties.

WHEREFORE, the plaintiff, Miguel Ortiz, demands judgment against the defendants, plus interest and costs.

JURY CLAIM

The plaintiff, Miguel Ortiz, claims a jury trial on all issues.

MIGUEL ORTIZ,
By his attorney,

James M. Tarshi
510 Essex Street
Lawrence, MA 01840
(978) 686-1821
BBO #546263

DATED: December 23, 2003

TARSHI LAW OFFICE
510 ESSEX STREET
LAWRENCE,
MASSACHUSETTS 01840

(978) 686-1821